

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 27, 2002

Regulation Package 0501-12

ERRATA FOR CDSS MANUAL LETTER NO. FS-01-05

CDSS MANUAL LETTER NO. FS-02-01

TO: HOLDERS OF THE FOOD STAMP MANUAL, DIVISION 63

Regulation Package #0501-12

Effective 1/14/02

Section 63-801

The above referenced manual letter was inadvertently assigned an incorrect CDSS Manual Letter number. Since the effective date is in 2002, the manual letter number should have been FS-02-01. Please replace the page in your manual with the attached page. We are sorry for any inconvenience this may have caused you.

Attachment

JTP

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.21 Inadvertent Household Error Claims

- .211 A claim shall be handled as an inadvertent household error claim if the overissuance was caused by a misunderstanding or unintended error on the part of the household or the sponsor of an alien household. This shall also apply to such errors made by categorically eligible households, provided the claim can be calculated based on a change in net income and/or household size.
- .212 Instances of inadvertent household error which may result in a claim include, but are not limited to, the following:
- (a) The household, or the sponsor unintentionally failed to provide the CWD with correct or complete information.
 - (b) The household unintentionally failed to report to the CWD changes in household circumstances or the circumstances of its sponsor.
 - (c) The household unintentionally received benefits or more benefits than it was entitled to receive pending a state hearing decision because the household requested a continuation of benefits based on the mistaken belief that it was entitled to such benefits.

.22 Administrative Error Claims

- .221 A claim shall be handled as an administrative error claim if the overissuance was caused by the action or inaction of any CWD. This shall also apply to categorically eligible households only when the CWD incorrectly determined the household's net income and/or household size. The only exception is an overpayment caused by a household transacting an untampered Authorization to Participate (ATP) card.
- .222 CDSS does not compromise overissuances with the exception of administrative error overissuances in which allotment reduction began on or after March 1, 2000. These administrative error overissuances are automatically compromised and recouped pursuant to the Lomeli v. Saenz court case settlement agreement. This agreement stipulates that administrative error overissuances are to be recouped by reducing the monthly allotment by five percent or \$10.00, whichever is greater for up to a total of 36 consecutive calendar months.
- .223 Instances of administrative error which may result in a claim include, but are not limited to, the following:
- (a) The CWD failed to take prompt action on a change reported by the household.
 - (b) The CWD incorrectly computed the household's income or deductions, or otherwise assigned an incorrect allotment.

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- (c) The CWD incorrectly issued duplicate authorization documents which were subsequently transacted by the household.
- (d) The CWD continued to provide a household with food stamp allotments after its certification period had expired without benefit of a reapplication determination.
- (e) The Agency failed to provide a household a reduced allotment because its PA grant increased.

.23 Intentional Program Violation Claims

.231 A claim shall be handled as an intentional Program violation claim for an overissuance or trafficking only if an administrative disqualification hearing official or a court of appropriate jurisdiction has determined that a household member or the sponsor had committed an intentional Program violation, as defined in Section 20-300.1 or if an individual accused of intentional Program violation has signed either a Disqualification Consent Agreement or an Administrative Disqualification Hearing Waiver as defined in Sections 63-102(a)(2) and (d)(6). Prior to a determination of intentional Program violation the claim against the household shall be established and handled as an inadvertent household error claim.

.232 Repealed by Manual Letter No. FS-87-12, effective 10/1/87.

.3 Calculating the Amount of Claims

.31 Inadvertent Household and Administrative Error Claims

.311 For each month that a household received an overissuance due to an inadvertent household or administrative error, the CWD shall determine the correct amount of food stamp benefits the household was entitled to receive.

- (a) The CWD shall not allow claims established prior to April 1, 1984 to be recalculated for non-IPV-caused overissuances which occurred more than 12 months prior to the month of discovery.

For an IPV claim, calculate the claim back to the month that the IPV first occurred.

- (b) The CWD shall calculate the amount of the overissuance which occurred during the ~~six~~ years preceding the date the overissuance was discovered. The CWD shall not include in its calculation any amount of the overissuance which occurred in a month more than ~~six~~ years prior to the date the overissuance was discovered.